

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

MARLOW WILLIAMS, SR.

PLAINTIFF

V.

3:14CV00181 DPM/JTR

LUKE MOYER, Deputy Sheriff,
Craighead County Jail, et al.

DEFENDANTS

ORDER

Plaintiff, Marlow Williams, Sr., is a prisoner in the Craighead County Jail. He has filed a *pro se* § 1983 Complaint. However, he has not paid the \$400 filing fee or filed an Application to Proceed *In Forma Pauperis*.

The Prison Litigation Reform Act provides that a prisoner who is permitted to file a civil action *in forma pauperis* still must pay the full statutory filing fee. 28 U.S.C. § 1915(b)(1). The only question is whether a prisoner will pay the entire filing fee at the initiation of the proceeding or in installments over a period of time.¹ *Ashley v. Dilworth*, 147 F.3d 715, 716 (8th Cir. 1998). Even if a prisoner is without assets and unable to pay an initial filing fee, he will be allowed to proceed with his § 1983 claims and the filing fee will be collected by the Court in installments from the

¹The \$400 filing fee includes a \$50 administrative fee that is waived for plaintiffs who are granted permission to proceed *in forma pauperis*. Thus, if Plaintiff is granted *in forma pauperis* status, he will be obligated to pay \$350, instead of \$400.

prisoner's inmate trust account. 28 U.S.C. § 1915(b)(4). **If the prisoner's case is subsequently dismissed for any reason, including a determination that it is frivolous, malicious, fails to state a claim, or seeks monetary relief against a defendant who is immune from such relief, the full amount of the \$350 filing fee will be collected and no portion of this filing fee will be refunded to the prisoner.**

IT IS THEREFORE ORDERED THAT:

1. The Clerk is directed to send Plaintiff an Application to Proceed *In Forma Pauperis* and a prisoner calculation sheet.
2. Plaintiff must, **within thirty days of the entry of this Order**, either: (a) pay the \$400 filing fee in full; or (b) file a properly completed Application to Proceed *In Forma Pauperis* and a prisoner calculation sheet that is signed by an authorized jail official.
3. Plaintiff is reminded that if he fails to timely and properly do so, this case will be dismissed, without prejudice, pursuant to Local Rule 5.5(c)(2).

Dated this 4th day of November, 2014.



UNITED STATES MAGISTRATE JUDGE